

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which (check one)

_____ is attached hereto

X was filed on February 22, 1999
as application Serial No. ELO79676529US

_____ and was amended on: _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application(s) | Priority Claimed | |
|------------------------------|--------------------|---------------------------------|
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Provisional Application Number | Filing Date |
|--------------------------------|---|
| <u>60/083,636</u> (Number) | <u>April 30, 1998</u> (Day/Month/Year Filed) |
| _____ (Number) | _____ (Day/Month/Year Filed) |
| _____ (Number) | _____ (Day/Month/Year Filed) |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Title: "MATRICES FORMED OF POLYMER AND HYDROPHOBIC COMPOUNDS FOR USE IN DRUG DELIVERY"
By: Howard Bernstein, Donald Chickering, Sarwat Khattak and Julie Straub
Filed: February 22, 1999
DECLARATION

(Application Serial No.)

(Filing Date)

Status
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

Status
(patented, pending, abandoned)

As named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

| | |
|------------------|--------|
| Patrea L. Pabst | 31,284 |
| Collen A. Beard | 38,824 |
| Robert A. Hodges | 41,074 |
| Kevin W. King | 42,737 |

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ARNALL GOLDEN & GREGORY LLP
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Atlanta, GA 30309-3450

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Howard Bernstein
Inventor's signature *Howard Bernstein* Date 2-17-99
Residence 929 Massachusetts Avenue, #2B, Cambridge, Massachusetts 02139
Citizenship Canada
Post Office Address Same

Full name of sole or first inventor Donald Chickering
Inventor's signature *Donald Chickering* Date 2/17/99
Residence 3 Holly Way, Framingham, Massachusetts 01701
Citizenship U.S.
Post Office Address Same

Full name of sole or first inventor Sarwat Khattak
Inventor's signature *Sarwat Khattak* Date 2/18/99
Residence 98 Pine Street, #1, Cambridge, Massachusetts 02139
Citizenship U.S.
Post Office Address Same

Title: "MATRICES FORMED OF POLYMER AND HYDROPHOBIC COMPOUNDS FOR USE IN DRUG DELIVERY"
By: Howard Bernstein, Donald Chickering, Sarwat Khattak and Julie Straub
Filed: February 22, 1999
DECLARATION

Full name of sole or first inventor Julie Straub
Inventor's signature *Julie Straub* Date 2-18-99
Residence 47 George Road, Winchester, Massachusetts 02472
Citizenship U.S.
Post Office Address Same

0973442-423600



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY 20, 1999

PTAS

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jc853 U.S. PTO
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RECORDATION DATE: 02/22/1999

REEL/FRAME: 9786/0486

NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BERNSTEIN, HOWARD

DOC DATE: 02/18/1999

ASSIGNOR:

CHICKERING, DONALD

DOC DATE: 02/18/1999

ASSIGNOR:

KHATTAK, SARWAT

DOC DATE: 02/13/1999

ASSIGNOR:

STRAUB, JULIE

DOC DATE: 02/18/1999

ASSIGNEE:

ACUSPHERE, INC.
38 SIDNEY STREET
CAMBRIDGE, MASSACHUSETTS 02139

SERIAL NUMBER: 09255179

FILING DATE: 02/22/1999

PATENT NUMBER:

ISSUE DATE:

RECEIVED

JUN 01 1999

PATENT DEPT.

DOCKETED FOR ACU 105
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9786/0486 PAGE 2

JACQUELINE MOORE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

03-03-1999

U.S. Department of Commerce
Patent and Trademark Office
PATENT

1055 U.S. PTO
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**RECORDATION FORM COVER SHEET
PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies)

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Document ID#
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Reel # Frame #
- ☐ Corrective Document
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Conveyance Type

- ☒ Assignment ☐ Security Agreement
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- ☐ Departmental File ☐ Secret File

1055 U.S. PTO
09/255179

02/22/99

Conveying Party(ies)

☒ Mark if additional names of conveying parties attached

Execution Date
Month Day Year
02/18/99

Name (line 1)

Name (line 2)

Second Party

Name (line 1)

Execution Date
Month Day Year
02/18/99

Name (line 2)

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Name (line 1)

Name (line 2)

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☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

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CONTINUATION
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1551 U.S. PTO
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02/22/99

U.S. Department of Commerce
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09/255179

12/06/00

Conveying Party(ies)

☒ Mark if additional names of conveying parties attached

Enter additional Conveying Parties

Execution Date
Month Day Year

02/18/99

Name (line 1) Sarwat Khattak

Name (line 2)

Execution Date
Month Day Year

02/18/99

Name (line 1) Julie Straub

Name (line 2)

Execution Date
Month Day Year

Name (line 1)

Name (line 2)

Receiving Party(ies)

☐ Mark if additional names of receiving parties attached

Enter additional Receiving Party(ies)

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Name (line 1)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Name (line 1)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

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Area Code and Telephone Number

Name

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Enter the total number of pages of the attached conveyance document including any attachments.

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Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number
only if a U.S. Application Number
has not been assigned.

PCT

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Number of Properties

Enter the total number of properties involved.

#

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment:
Deposit Account

Enclosed ☒

Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

Yes

☒

No

☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Patrea L. Pabst

Name of Person Signing

Signature

02/22/99

Date

ASSIGNMENT

We, Howard Bernstein of 929 Massachusetts Avenue, Cambridge, Massachusetts 02139, Donald Chickering of 3 Holly Way, Framingham, Massachusetts 01701, Sarwat Khattak of 98 Pine Street, #1, Cambridge, Massachusetts 02139 and Julie Straub of 47 George Road, Winchester, Massachusetts 01890 in consideration of Ten Dollars and other valuable consideration paid to us by Acusphere, Inc., a corporation of Massachusetts having its principal place of business at 38 Sidney Street, Cambridge, Massachusetts 02139, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Acusphere, Inc., its successors and assigns, the entire interest for the United States of America and its territories and all foreign countries and jurisdictions including all rights of priority under the International Convention for the Protection of Industrial Property in a certain invention or improvement in "MATRICES FORMED OF POLYMER AND HYDROPHOBIC COMPOUNDS FOR USE IN DRUG DELIVERY" described in an application filed in the United States Patent and Trademark Office on February 22, 1999 by Howard Bernstein, Donald Chickering, Sarwat Khattak and Julie Straub which claims priority to U.S.S.N. 60/083,636 filed April 30, 1998, and in all Letters Patent of the United States of America and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any divisional, continuation, continuation-in-part, renewals, reissue or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said corporation and its successors and assigns but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and in all other countries to said corporation, with specifications and claims in such form as shall be approved by the counsel of said corporation and to vest and confirm in said corporation, its successors and assigns, the legal title to all such patents.

And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said corporation, its successors and assigns.

Title: "MATRICES FORMED OF POLYMER AND HYDROPHOBIC COMPOUNDS FOR USE IN DRUG DELIVERY"

By: Howard Bernstein, Donald Chickering, Sarwat Khattak and Julie Straub

Filed: February 22, 1999

ASSIGNMENT

WITNESS my hand and seal this 18 day of February, 1999.

Howard Bernstein

Howard Bernstein

County of

Middlesex

)

SS

State of Massachusetts

)

Then personally appeared the above named Howard Bernstein and acknowledged the foregoing instrument to be his/her free act and deed, before me, this 18 day of February, 1999.

Margorie H. Baiardi
Notary Public

MARGORIE H. BAIARDI

7-24-03

Title: "MATRICES FORMED OF POLYMER AND HYDROPHOBIC COMPOUNDS FOR USE IN DRUG DELIVERY"

By: Howard Bernstein, Donald Chickering, Sarwat Khattak and Julie Straub

Filed: February 22, 1999

ASSIGNMENT

WITNESS my hand and seal this 18 day of FEBRUARY, 1999.


Donald Chickering

County of

Middlesex

)

ss

State of Massachusetts

)

Then personally appeared the above named Donald Chickering and acknowledged the foregoing instrument to be his/her free act and deed, before me, this 18 day of February, 1999.


Notary Public

MARSORIE H. BAIARDI

7-24-03

Title: "MATRICES FORMED OF POLYMER AND HYDROPHOBIC COMPOUNDS FOR USE IN DRUG DELIVERY"
By: Howard Bernstein, Donald Chickering, Sarwat Khattak and Julie Straub
Filed: February 22, 1999
ASSIGNMENT

WITNESS my hand and seal this 18 day of February, 1999.

Sarwat Khattak

Sarwat Khattak

County of

Middlesex

)

SS

State of Massachusetts

)

Then personally appeared the above named Sarwat Khattak and acknowledged the foregoing instrument to be his/her free act and deed, before me, this 18 day of February, 1999.

Manone H. Baroudi
Notary Public

MANONE H. BAROUDI

7-24-03

Title: "MATRICES FORMED OF POLYMER AND HYDROPHOBIC COMPOUNDS FOR USE IN DRUG DELIVERY"
By: Howard Bernstein, Donald Chickering, Sarwat Khattak and Julie Straub
Filed: February 22, 1999
ASSIGNMENT

WITNESS my hand and seal this 18 day of February, 1999.

Julie Straub
Julie Straub

County of

Middlesex

)

SS

State of Massachusetts

)

Then personally appeared the above named Julie Straub and acknowledged the foregoing instrument to be his/her free act and deed, before me, this 18 day of February, 1999.

Marjorie H. Bauri
Notary Public

MARJORIE H. BAIRAI

7-24-03